THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.14656 of 2001

Dated: 04.12.2007

Between:

The Managing Director
A.P.State Ware Housing Corporation
Warehouse Sadan
Nampally Station Road,
Nampally,
Hyderabad .. Petitioner.

And

Smt Dikonda Vimala
and another. .. Respondents

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WRIT PETITION No.14656 of 2001

ORDER:

This writ petition is filed seeking a Mandamus declaring the impugned order, dated 16.06.2001, passed by the 2nd respondent-Authority under Minimum Wages Act and Assistant Commissioner of Labour, Karimnagar in M.W.M.P.No.1 of 1998, as arbitrary and illegal.

2. Petitioner is the Management, respondent No.1 is the employee and respondent No.2 is the authority under the Minimum Wages Act, 1948 (for short, "the Act"). It appears, an application under Section 20(2) of the Act was filed before the 2nd respondent on 01.09.1998 claiming difference of wages. Along with the said application, an application to condone the delay in filing the same was also filed and the same was taken up as MWMP.No.1 of 1998 and it was allowed on 16.06.2001 holding that the petitioner, who was an illiterate and ignorant of law, had been making regular oral representations for enhancement of wages and there are sufficient grounds for condoning the delay. The main application was posted to 04.07.2001 for hearing. Aggrieved by the same, management filed this writ petition.

3. There is no necessity of going into all the details.

4. The order impugned is only an order condoning the delay in

approaching the authority under the Act. The second respondent herein has considered each and every aspect of the matter, and thus, came to the conclusion that the delay in filing the application under Section 20(2) of the Act is liable to be condoned, and as such, an order to that effect was passed on 16.06.2001.

5. I am of the opinion that the order passed by the 2nd respondent in MWMP.No.1 of 1998, dated 16.06.2001, does not suffer from any legal infirmity and is purely a discretionary order. No interference is called for by this Court under Article 226 of the Constitution of India with the impugned order. The writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, this will not preclude the petitioner from raising tenable objections, as permissible under the law, before the second respondent while hearing the main application under Section 20(2) of the Act. No order as to costs.

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(C.V.RAMULU,J)

Dt.04.12.2007

v v